UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,341	05/20/2000	NICHOLAS A. LANGRIND	102689-6	8716

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EXAMINER
PATEL, NITIN C

ART UNIT	PAPER NUMBER
2116	7

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

0C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-28_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-28_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _13 November 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____ .

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _2, and 5._

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   This is in responsive to preliminary amendment filed on October 30, 2000.

2.   Claims 1 – 28, are presented for the examination.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1 – 3, and 17, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by

Stevens et al. [hereinafter as Stevens], US Patent 6,539,425.

6.   As to claim 1, Stevens discloses an invention and method for establishing [enabling] a

path for data transmission [policy-enabled communications] in a system having a plurality of

possible paths [network devices 320-1, 320-2,...320-n via data links 310-i, i=1,2,3...n]

comprising:

            a.   establishing internal connection paths [DACM establishes a data path between a

            network device and data containing device] through the system based upon a

configuration policy [policy-enabled communication network system] [col. 4, lines 41 –

65, col. 5, lines 50 – 59, col. 9, lines 26 – 39, fig. 3].

7.   As to claims 2 – 3, Stevens discloses a policy server [110] and data store [225] to store

configuration policy information with configuration file [col. 4, lines 47 – 54, fig. 3].

8.   As to claim 17, Stevens discloses that the system comprises a network device [col. 12,

lines 38 – 43, fig. 3].

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

10.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating obviousness
            or nonobviousness.

11.   Claims 4 – 5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et

al. [hereinafter as Stevens], US Patent 6,539,425 as applied to claims 1 – 3, above, and further in

view of Putzolu, US Patent 6,578,076.

12.   As to claims 4 – 5, Stevens teaches a system and method for policy-enabled

communication networks having a plurality of possible paths [network devices 320-1, 320-

2,...320-n via data links 310-i, i=1,2,3...n] and establishing internal connection paths [DACM

establishes a data path between a network device and data containing device] through the system

based upon a configuration policy [policy-enabled communication network system] [col. 4, lines

41 – 65, col. 5, lines 50 – 59, col. 9, lines 26 – 39, fig. 3]. However, Stevens does not disclose to

change configuration policy dynamically while the system continues to operate. In summary, he

does not teach to change configuration policy dynamically.

Putzolu teaches a system and method for managing a network for policy-based network

management system using dynamic policy generation by evaluating a condition relating to a

network resource and generating instructions for managing access to network resource in

response to evaluation [col. 2, lines 1 – 6, lines 29 – 39, lines 53 – 67, col. 3, lines 1 - 17, and

lines 49 – 65, fig. 3].

It would have been an obvious to one of an ordinary skill in art at the time of invention to

combine the teachings of Stevens and Putzolu as both are related to the policy-based network

management and Putzolu's improved policy-based network management with dynamic policy

generation provide flexibility as well as to permit extensibility to manage a plurality of clients

with potentially-diverse policy criteria [col. 3, lines 45 – 47].

Claim Rejections - 35 USC § 102

13.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

14.   Claim 6 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rorden et al.

[hereinafter as Rorden], US Patent 4,994,963.

15.   As to claim 6, Rorden teaches system and method of establishing a path for data

transmission [sharing resources of a host computer] in a system having a plurality of possible

paths [110A-110F, plurality of host ports] through cross-connection card [20A-20F] comprising:

    a.   establishing internal connection paths [establishing a communication path]

    through the cross-connection card [20A-20F] based upon a configuration policy

    [addressing scheme][col. 2, lines 59 – 64, col. 3, lines 39, col. 9, lines 3 – 47, fig. 1, 4].

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17.   Claims 7 – 16, and 18 - 28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Rorden et al. [hereinafter as Rorden], US Patent 4,994,963, and further in view of Putzolu,

US Patent 6,578,076.

18.   As to claim 23, Rorden teaches system and method of establishing a path for data

transmission [sharing resources of a host computer] in a system having a plurality of possible

paths [110A-110F, plurality of host ports] through cross-connection card [20A-20F] based upon

configuration policy [addressing scheme]. However, Rorden does not teach a policy-provisioning

manager for programming the plurality of programmable paths using the configuration policy

file. In summary, Rorden does not teach a policy-provisioning manager for programming the

plurality of programmable paths with configuration policy file.

Putzolu teaches a system and method for managing a network for policy-based network

management [PBNM] system with policy provisioning manager [a policy server] to implement

policies relating to management of group of network devices and maintaining policy database

and programming the plurality of paths [dynamic generation] using configuration file

[configuration information] [col. 2, lines 59 – 65, col. 3, lines 1 - 17, and lines 49 – 65, fig. 3].

It would have been an obvious to one of an ordinary skill in art at the time of invention to

combine the teachings of Rorden and Putzolu as both are related to network management and

Putzolu's improved policy-based network management with dynamic policy generation provide

flexibility as well as to permit extensibility to manage a plurality of clients with potentially-

diverse policy criteria [col. 3, lines 45 – 47].

19.   As to claims 7 – 9, and 16 Putzolu teaches a system and method for policy-based network

management system with policy console and policy server maintaining a policy database

therefore, he teaches the step of creating a table in configuration database too provide connection

information too [col. 3, lines 1 – 17], which provide flexibility as well as to permit extensibility

to manage a plurality of clients with potentially-diverse policy criteria [col. 3, lines 45 – 47].

20.   As to claims 10 – 12, Roeden discloses a table of potential address allocations for a

representative number of ports to allow communication between a host computer and host

interface occur at the port level with a partial record in a service end point table when a user

connects to a particular port on universal port card, and sending a notification too

[SELACK][Table A, col. 9, lines 5 – 47].

21.   As to claims 13 – 15, Putzolu teaches to implement policy-based network management

system using dynamic policy generation with policy server to maintain a policy database, and

capable of managing a plurality of clients with potentially diverse policy criteria therefore, he

teaches different steps involved in too [col. 42 – 45], which provides flexibility as well as to

permit extensibility to manage a plurality of clients with potentially-diverse policy criteria [col.

3, lines 45 – 47].

22.   As to claims 18 – 20, Putzolu teaches a policy server to store [maintain] configuration

policy file [configuration policy information] in database [policy database] within the system

[col. 3, lines 5 – 14], which provides flexibility as well as to permit extensibility to manage a

plurality of clients with potentially diverse policy criteria [col. 3, lines 45 – 47].

23.   As to claims 22, and 24, Putzolu discloses that the system comprises a network device

[col. 2, lines 45 – 48], which provides flexibility as well as to permit extensibility to manage a

plurality of clients with potentially diverse policy criteria [col. 3, lines 45 – 47].

24.   As to claim 25, Rorden teaches connection of a plurality of forwarding cards [18A – 18F]

including a plurality of ports [14A – 14F] coupled to the cross-connection card [12, host

interface][fig. 1].

25.   As to claims 26 – 28, Putzolu teaches to implement policy-based network to establish the

path [communication path] for data transmission [digital communication] with policy server to

maintain a policy database, and using modified policy [dynamic policy generation] for

flexibility, and managing a plurality of clients with potentially diverse policy criteria [col. 42 –

45], which provides flexibility as well as to permit extensibility to manage a plurality of clients

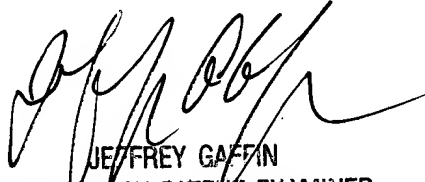with potentially-diverse policy criteria [col. 3, lines 45 – 47].

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nitin C. Patel whose telephone number is 703-305-3994. The

examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel
March 9, 2004

JEFFREY GAFFIN
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